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December 23, 2014

**VIA CM/ECF**

Hon. Lorna G. Schofield  
 United States District Judge  
 500 Pearl Street  
 New York, NY 10007

**RE: *Ernst v. DISH Network, LLC, et al.*, Case No. 12-cv-8794-LGS**

Your Honor:

After the telephone conference held on December 18, the Court ordered the Defendant DISH Network and Plaintiff Scott Ernst to submit a status letter concerning ESI discovery by January 9, 2015. The parties intend that this letter document the issues which the parties are working to resolve, and they intend to submit a second letter prior to January 9 to inform the Court of their progress.

First, on the issue of email discovery, the parties have made considerable progress in identifying relevant custodians and the amount of emails and files associated with them. Defendant will provide Plaintiff more information on their efforts thus far, including (1) the identities and roles of the custodians included; (2) updated emails counts, and (3) updates on various technical attributes of the collected data, including numbers of attachments, and automated emails. Once that information has been provided, the parties will confer regarding an appropriate method for searching these potentially responsive emails, including technology assisted review or keyword searches.

Second, on the issue of the DISH's database containing the summary reports at issue in this case, Plaintiff has submitted a number of questions to DISH regarding the database's characteristics, which DISH has committed to answer shortly. Once Defendant responds to these inquiries, the parties will confer regarding the scope of any production from the database.

The Parties have a number of other issues about which they are also consulting, including the designation and scheduling of a Rule 30(b)(6) deposition, a stipulation lifting the cap on depositions contained in Rule 30(a)(2), the production of a privilege log, and a number of Defendant's most recent responses to Plaintiff's requests for production. We hope to avoid presenting these issues to the Court, and are diligently working to resolve them.

The Parties will report to the court on the status of these issues by January 9th.

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Respectfully submitted,

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/s/ Mina Wood  
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